



Susan M. Sharko
Partner
susan.sharko@faegredrinker.com
973-549-7350 direct

Faegre Drinker Biddle & Reath LLP
600 Campus Drive
Florham Park, New Jersey 07932
+1 973 549 7000 main
+1 973 360 9831 fax

Via ECF

April 18, 2024

Honorable Rukhsanah L. Singh, U.S. Magistrate Judge
United States District Court- District of NJ
Clarkson S. Fisher Building & U.S. Courthouse
402 East State Street, Court Room 7W
Trenton, NJ 08608

Re: *In re: Johnson & Johnson Talcum Powder Products Marketing, Sales Practices and Products Liability Litigation - MDL 2738*

Dear Magistrate Judge Singh:

Pursuant to the Court's request for bi-monthly reports, the parties jointly offer the following update on recent activities in the MDL:

Expert Depositions:

- The depositions of Plaintiffs' experts, Drs. McTiernan, Clarke-Pearson, Rigler, Cote, Moorman, Smith Bindman, Siemiatycki, Sage, Godleski, Singh, Kessler, and Harlow have been conducted.
- Defendants have requested production of certain notes, invoices, and other documents from Drs. McTiernan, Clarke-Pearson, and Siemiatycki that were not produced prior to their depositions. Plaintiffs have agreed to produce some of those documents, and the parties are meeting and conferring over the remaining documents.
- The following Plaintiffs' experts are scheduled to be deposed in accordance with the following schedule: Dr. Wolf (April 25th), Dr. Longo (May 2nd-3rd), Dr. Newman (May 15th), and Dr. Levy (May 8th).
- The Parties continue to meet and confer on dates for the depositions of the defense experts which are being taken in coordination with the MCL.

Defendants' Motion to Quash the Subpoena to PwC

- On April 5, 2024, Special Master Schneider granted Defendants' Motion to Quash the

Subpoena directed to PwC.

Plaintiffs' Subpoena to Public Library of Science (PLOS)

- On March 20, 2024, the PSC served the Public Library of Science (PLOS) with a subpoena for information related to a manuscript submitted by Plaintiffs' expert Dr. Saed to PLOS in 2020.
- On April 12, 2024, Counsel for PLOS served an objection to the subpoena claiming privilege and confidentiality attaching to the objection a Privilege Log on counsel for the Plaintiffs.

Case Management Order No. 9

- The parties continue to meet and confer over a proposed order to address the notices of inability to substitute filed by approximately 900 plaintiffs.

Bellwether Discovery Responses

- On April 1, 2024, Plaintiffs served responses to Defendants' Requests for Admissions, Production Requests, and Interrogatories on the six Bellwether plaintiffs. The parties continue to meet and confer on the adequacy of the responses.

Daubert Status

- On April 4, 2024, Plaintiffs filed a Motion for Reconsideration of Judge Shipp's March 27, 2024 Text Order (ECF No. 31080) requiring a full refiling of Daubert motions, to be filed by July 23, 2024. Defendants' Opposition to the motion is due by April 22, 2024.

Plaintiff Profile Forms

- On May 1, 2024, Defendants will file an Order to Show Cause in regard to any matters that were listed on the March 1, 2024, PPF Report (2016-2017 cases) which remain noncompliant in serving PPFs. The parties agree that if plaintiffs contend that defendants have mistakenly placed a claimants' case on the deficiency list, the plaintiffs will reach out directly to defense counsel to advise of that and any correction. The parties agree that Plaintiffs should doublecheck the accuracy of the MDL Centrality information and close out their MDL Centrality account when a case is dismissed. The PPF Reports will be updated as corrections are received.

Status of New Jersey Proceedings Before Judge Porto

- On April 5, 2024, Defendants, in the *Carl* and *Balderrama* matters, identified 14 expert witnesses and, pursuant to the parties' agreement, furnished 9 reports, with the remaining 4 reports served on April 12, 2024. One expert witness, Dr. Ed Kuffner, is not required to furnish a report and a summary of his anticipated testimony was provided to Plaintiffs.
- Plaintiffs' case specific experts for the *Carl* and *Balderrama* matters are scheduled to

be deposed as follows: Dr. Godleski (April 19th) (*Carl and Balderrama*), Dr. Wolf (April 25th) (*Carl only*), and Dr. Cramer (May 2nd) (*Balderrama only*).

- Defendants' case specific experts for the *Carl* and *Balderrama* matters are scheduled to be deposed as follows: Dr. Finan (May 10 *Carl*), Dr. Nagarsheth (May 15 *Balderamma*).
- The Defendants provided dates for the depositions of their remaining expert witnesses on various dates and are awaiting confirmation from the state and the MDL lawyers.
- The plenary hearing regarding disqualification of Beasley Allen was held on April 10, 2024 and will continue on May 3, 2024.

Thank you for your attention to these matters.

Respectfully,

/s/ Susan M. Sharko

Susan M. Sharko

FAEGRE DRINKER BIDDLE & REATH LLP

Encl: (0)

Cc: Leigh O'Dell, Esq. (*via e-mail*)

Michelle Parfitt, Esq., (*via e-mail*)

All counsel of record (via ECF)